

Glenn Research Center, Environmental Programs Manual

Chapter 29 - Affirmative Procurement Program (APP)

NOTE: The version of this Chapter is maintained and approved by the Safety, Health and Environmental Division (SHED). The creation date of this chapter was April 2006. If you are referencing paper copies, please verify that it is the most current version before use. The current version is maintained on the Glenn Research Center intranet at <http://smad-ext.grc.nasa.gov/emo/pub/epm/epm-manual.pdf>. Approved by: Environmental Management Branch Chief, Priscilla Mobley.

GENERAL

As one of the major procuring agencies in the Federal government, NASA is responsible for complying with the Federal requirements to purchase recycled-content products. Therefore, it is NASA's policy to purchase EPA-designated recycled-content to the maximum extent practicable. This will minimize solid waste, prevent pollution, save energy and other resources, reduce greenhouse gas emissions, and encourage public support and participation. Federal agencies are required by Section 6002 of the Resource Conservation and Recovery Act and Executive Order (E.O.) 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition," to buy EPA-designated recycled-content products from their Comprehensive Procurement Guideline categories listing .

PURPOSE

This Affirmative Procurement chapter establishes a center-wide plan to facilitate the policy and procedure for selecting and purchasing products containing recycled-content materials purchased with Government funds. This plan does the following:

- Establishes criteria for purchasing recycled-content products to the maximum extent practicable specific to categories of product within Environmental Procurement Agency's Comprehensive Procurement Guidelines (CPG) and Recovered Materials Advisory Notices (RMAN).
- Promote and support to expand and increase the markets for recovered materials through greater Government preference and demand for products made with such materials consistent with the demands of efficiency and cost-effectiveness.
- Delineates the roles and responsibilities of all acquisitions, including micro-purchases, in which an EPA-designated item is acquired
- Establishes program metrics and evaluation procedures which relate the results of purchases.
- Support EMS goals including resource allocation for cost effectiveness.
- Expanding markets to reduce the amount of solid waste requiring disposal through the purchase and use of products containing recovered materials.

This plan is expanded to include the acquisition of other "green" products, such as energy-efficient or environmentally preferable products. In addition, the Government and its contractors should promote the purchase of biobased products, which are commercial or industrial products (other than food or feed) that utilize biological products or renewable domestic agricultural (plant, animal, or marine) or forestry materials.

APPLICABILITY

This chapter applies to all personnel at the GRC and Plum Brook (civil servants, support service contractors, off-site contractors, tenant organizations or other employees) who design, construct and purchase materials.

POLICY

All GRC employees and contractor shall select and purchase an APP product to the extent feasible and practical using EPA's Comprehensive Procurement Guidelines and is in compliance with all local, state and federal laws, codes, standards, requirements and permit conditions.

Preference Program for Recycled Content Products

In accordance with Section 402(c) of E.O. 13101, 100 percent of GRC's purchases of EPA-designated recycled content products will meet or exceed EPA guideline standards unless there is a price, performance, or availability justification for not doing so.

EPA-Designated Products Purchased

Preference is based on EPA's Comprehensive Procurement Guidelines designations of recycled content products. Will give preference to procuring and using such products containing recovered materials versus products made with virgin materials when: (1) such products are available competitively within a reasonable time frame, (2) meet reasonable performance standards, or (3) are available at a reasonable price. Buys the recycled content products listed below. These products will be purchased containing the percentages of recovered materials (recycled content) indicated below. EPA's recommended recovered materials minimum content ranges, product specifications, and other product information can be obtained from EPA's CPG web site at www.epa.gov/cpg.

Special Requirements

The following special requirements apply to recycled-content products purchased Paper Products - E.O. 13101 directs agencies to purchase office and printing papers containing 30 percent post-consumer fiber or if performance or availability constraints exist, 20 percent post-consumer fiber.

Oil - E.O. 13149 directs that, beginning in October 2000 agency fleets must use re-refined oil unless it is not available or does not meet performance needs.

Future EPA-Designated Items

RCRA and E.O. 13101 direct EPA to continue to designate items made from recovered materials, in order to further increase markets for recovered materials. As required by RCRA section 6002, GRC will incorporate additional items into its APP within one year after new items are designated by EPA.

Other Recycled Content Products

There are thousands of products made with recovered materials. Procurement originators are encouraged to request, procure, and use other products containing recovered materials in addition to those items specified above. Additional recycled-content products are available through Federal supply sources and outside vendors.

Acquisition Planning

The buy-recycled requirements shall be considered during the acquisition planning stage if non-Federal supply sources are used. E.O. 13101 and FAR Part 7 provide that, in developing plans, drawings, work statements, specifications, or other product descriptions, GRC shall consider a broad range of factors including: elimination of virgin material requirements; use of biobased products; use of recovered materials; reuse of product; life-cycle cost; recyclability; use of environmentally preferable products; waste prevention (including toxicity reduction or elimination), and ultimate disposal, as appropriate. These factors should be considered in acquisition planning for all procurements and in the evaluation and award of contracts (i.e., the bidder most able to cost-effectively satisfy the recovered material content specifications as well as the performance/design specifications outlined in the procurement solicitation.)

GRC personnel involved in planning for acquisitions shall consider environmental and energy factors from the beginning of acquisition planning in order to save money, increase efficiency, and reduce pollution in procurements. Their actions shall be consistent with the "waste management hierarchy"; reduce, reuse, and recycle, in that order.

Recovered Materials Determination

Procurement originators are responsible for defining product specifications, utilizing GRC's minimum content standards or preference standards, when procuring EPA-designated items from outside vendors. The procurement originator must make a written determination certifying that the statement of work/specifications for the requisition of materials/services specified complies with preference standards for recovered materials. The completed determination becomes part of the original contract file. A determination is not required when EPA-designated items containing recovered materials are obtained through GSA's Federal Supply Service or other established Federal supply sources.

Justification for Not Buying EPA-Designated Recycled Content Products

Under RCRA section 6002(c), and E.O. Secs. 402(c) and 502(c), agency decisions not to buy recycled content products must be justified in writing. RCRA provides four justifications: if it is determined the items are not available competitively, not available within a reasonable time frame, do not meet reasonable performance standards, or are only available at an unreasonable price. **Written justification is not required for purchases below micro purchase threshold.**

The procurement originator and/or the contracting officer, as appropriate, shall document the decision not to buy recycled content products. The original copy of the documentation becomes part of the original contract file. The procurement originator is responsible for submitting a copy of the documentation form to the responsible program manager. The GRC program manager is responsible for forwarding a copy of all waivers to GRC's Environmental Executive within 30 days for annual reporting purposes.

Simplified Acquisitions/Micro-Purchases

The requirement to purchase recycled-content CPG items applies to all purchases, including those at or below the micro-purchase threshold (\$2,500). However, written justifications are not required for not buying recycled content products. GRC shall procure recycled content products when making purchases at or below the micro-purchases threshold. E.O. 13101 requires purchaser making micro-purchases to first consider purchasing of recycled-content products.

Federal Supply Sources

Established Federal supply sources, such as the General Services Administration (GSA), Government Printing Office (GPO), Javits-Wagner-O' Day (JWOD) Program, the Defense General Supply Center (DGSC), and UNICOR are competitive sources for EPA-designated items and other recycled content products. Procuring recycled content products through these sources offers the following advantages:

- Products have been competitively bid;
- Products meet or exceed EPA minimum content standards for recovered materials; and
- Electronic catalogs identifying CPG Compliant Products.

Contractors

The buy recycled requirements apply to contractors when they are purchasing or supplying EPA designated products for use in the performance of a contract. The Federal Acquisition Regulation (FAR) requires agency contracting officers to insert the clause at 52.211-5, Material Requirements, in all solicitations and contracts for supplies that are not commercial items. The FAR also requires contracting officers to insert the clause at 52.223-10, Waste Reduction Program, in all solicitations and contracts for contractor operation of government-owned or leased facilities and all solicitations and contracts for support services at Government-owned or operated facilities. When contractors are purchasing goods on behalf of the Federal agencies with appropriated funds, they need detailed instructions on their responsibilities for implementing the order.

This guidance applies to all operations and contractors. GRC's contracting officers shall ensure that the FAR clauses at 52.211-5, Material Requirements, and 52.223-10, Waste Reduction Program, are inserted appropriately in all applicable solicitations and contracts. Once appropriate provisions are included in the contract the contractor shall comply with GRC's APP as if the contractor were an entity. Accordingly, the contractor shall be required to monitor and report on its APP-related procurement activities as well as require its applicable sub-contractors to comply with APP. It is the responsibility of GRC to ensure: (1) appropriate existing contracts are revised to include APP compliance provisions and (2) appropriate new contracts contain APP compliance provisions. Related procurement policy will be provided to contractors as contained in Acquisition Regulation.

Because GRC's contractors may procure a majority of the products regulated by EPA's guidelines, contracting officers shall ensure that such contractors are familiar with all applicable APP requirements contained in their contracts. Contracting officers shall review with appropriate contractors their role in the procurement of recycled-content products during the initial contract signing period and shall reinforce with the contractor, the requirements of the E.O. 13101 when appropriate during subsequent meetings and correspondence.

Life-Cycle Cost Analysis

Office of Federal Procurement Policy Letter 92-4 requires Federal agencies to use life-cycle cost analysis, wherever feasible and appropriate, to assist in selecting products and services. Whenever possible, cost shall be calculated over the life of the item, not just the initial, up-front cost. When comparing alternative products, the initial cost of the acquisition, as well as lifetime maintenance costs, operational costs, etc., must be considered in the analysis. A product having a higher initial cost may have lower operational cost or a higher resale value and will, therefore, prove to be a better value and more cost-effective compared to the alternatives.

Specification Review/Revision

Program offices are responsible for reviewing and revising specifications, product descriptions, and standards during the acquisition planning stage to enhance GRC's procurement of recycled content products. Standards or specifications unrelated to performance or presenting barriers to procuring recycled content products should be revised or eliminated when reviewing or drafting procurement specifications. When revising GRC's specifications, eliminate requirements for virgin materials; express preference for recovered materials, to the maximum extent practicable; and allow for the purchase of products containing recovered material.

RESPONSIBILITIES

Environmental Management Branch (EMB) is the official point of contact with regulatory agencies in regards to Affirmative Procurement Program at GRC and Plum Brook Station. The Center Director is the responsible official for GRC and is the duly authorized employee who may act as the responsible official and the Chief of EMB is delegated the authority to sign reports, plans, certifications and official correspondence with regulatory agencies as necessary.

Based on NASA requirements and other regulations for purchasing items with recycled or recovered material content, NASA GRC employees and contractors have the following responsibilities.

The Environmental Management Branch shall

- Understand the requirements of E.O. 13101 and the objectives of NPR 8830.1
- Be knowledgeable about the EPA-designated materials list and the Request for Waiver process
- Develop and implement an affirmative procurement awareness program (NASA GRC shall establish the affirmative procurement program for all designated EPA guideline items that are purchased. Newly designated items shall be incorporated into the affirmative procurement program within 1 year from the date EPA designated the new item.)
- Advise procurement originators and contracting officers on acquisition strategies for environmentally preferable products and services, including updates to the list of EPA-designated items
- Review and approve Request for Waiver documentation and participate in life-cycle cost (LCC) and life-cycle analysis (LCA) activities
- Compile and report the Center's Annual Affirmative Procurement Progress Report
- Provide support, guidance, and assistance to the Center in interpreting and implementing the EPA and applicable Agency guidelines for recovered materials

The Office of Procurement shall

- Understand the requirements of E.O. 13101 and the objectives of NPR 8830.1
- Be knowledgeable about the EPA-designated materials list and the Request for Waiver process
- Ensure that the acquisition of products and services covered by applicable EPA guidelines are conducted in accordance with requirements from RCRA, E.O. 13101, FAR, and NASA
- Require statements of work or specifications that include elimination of virgin material requirements, use of recovered materials, reuse of products, life-cycle analysis, energy and water efficiency, recyclability, and the use of EPA-designated items or other environmentally preferable products (These factors should be considered in acquisition planning for all procurement and in the evaluation and award of contracts, as appropriate.)
- To facilitate procurement planning for the annual Affirmative Procurement Report and other required reports.

- Provide guidance and facilitate acquisition planning with respect to environmentally preferable goods and services, including those available through Federal supply sources
- Assist in any market research necessary to determine the availability of environmentally preferable goods and services
- Ensure that solicitations and contracts contain the appropriate provisions and FAR clauses to implement affirmative procurement (FAR Part 23)
- Review and revise specifications, product descriptions, and standards and commercial item descriptions during the acquisition planning stage to enhance NASA's procurement of recycled and environmentally preferable products
- Ensure that contracts, grants, and cooperative agreements include provisions that require documents to be printed double-sided on recycled paper meeting or exceeding the standards established in EPA guidelines

Contracting Officers and Contracting Officer's Technical Representatives shall

- Understand the requirements of E.O. 13101 and the objectives of NPR 8830.1
- Be knowledgeable of the EPA designated materials list and the Request for Waiver process
- Provide guidance and facilitate acquisition planning with respect to life-cycle cost analysis and environmentally preferable goods and services (The life-cycle cost analysis should examine a product's environmental and economic effects throughout its lifetime, including raw materials extraction, transportation, manufacturing, use, and disposal.)
- Ensure that solicitations and contracts contain the appropriate provisions and FAR clauses (FAR Part 23, Subpart 23.4) implementing affirmative procurement, including reporting requirements
- Maintain information in the contract file on the contractor's response to FAR clause 52.223-8, Estimation of Percentage of Recovered Materials for Designated Items
- At the end of each fiscal year collect, compile, and provide all recycled content material purchased to EMO.
- Modify existing contracts, in consultation with the NASA technical point of contact, that do not have FAR clauses implementing affirmative procurement (The implementing clauses are located at FAR Part 23, Subpart 23.4, Use of Recovered Materials.)

Facilities Division shall

- Understand the requirements of E.O. 13101 and the objectives of the NPR 8830.1
- Be knowledgeable of the EPA designated materials list and the Request for Waiver process
- Review specifications and amend the specifications, as appropriate, to encourage the use of recovered materials
- Ensure that construction products are procured with recovered content levels as specified in Part C, Construction Products of the Recovered Materials Advisory Notice
- Consult early in the procurement process with appropriate parties (e.g., environmental specialists, contract specialists) to facilitate the process of procurement planning, which includes LCC and LCA
- Utilize statements of work or specifications that include elimination of virgin material requirements, reuse of products, use of recovered materials, energy and water efficiency, recyclability, and the use of designated items included in the EPA Comprehensive Procurement Guidelines (CPG) or other environmentally preferable products or services
- Prepare Request for Waiver or justification for concurrence signature by the EMB if the guideline item is not available competitively or within a reasonable timeframe, does not meet appropriate performance standards, or is only available at an unreasonable price
- At the end of each fiscal year collect, compile, and provide all recycled content material purchased to EMB.

GRC personnel and contractors shall

- Understand the requirements of E.O. 13101 and the objectives of NPR 8830.1
- Be knowledgeable about and select items from the EPA-designated materials list.
- Consult early in the procurement process with appropriate parties (e.g., environmental specialists, contract specialists) to facilitate the process of procurement planning, which includes LCC and LCA

- Utilize statements of work or specifications that include elimination of virgin material requirements, reuse of products, use of recovered materials, energy and water efficiency, recyclability, and the use of designated items included in the EPA Comprehensive Procurement Guidelines (CPG) or other environmentally preferable products or services
- Prepare Request for Waiver or justification for concurrence signature by the EMB if the guideline item is not available competitively or within a reasonable timeframe, does not meet appropriate performance standards, or is only available at an unreasonable price
- At the end of each fiscal year collect, compile, and provide all recycled content material purchased to EMB.

AUTHORITIES:

- [NPR 8830.1](#) NASA Procedures and Regulations (NPR 8830.1) On Affirmative Procurement, which is a policy to reduce the amount of material ending up in landfills through the procurement of environmentally preferable goods and services
- [Section 6002 of the RCRA](#) RCRA 6002 is required by the EPA to issue CPG's containing designated items that are or can be made with recovered materials.
- [E.O. 13101](#) Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition.
- [E.O. 13134](#) Extends Federal procurement activities related to biobased products and services. Biobased products are made from renewable agriculture, animal, or forestry materials, such as vegetable-based lubricants, biofuels, compost, and construction materials.

[Code of Federal Regulation Title 40](#) This subpart prescribes policies and procedures for acquiring EPA-designated products through affirmative procurement programs required by the RCRA and E.O. 13101.

- [RMAN](#) Resource Mandatory Advisory Notice is linked to affirmative procurement by showing the designated percentages of CPG III Items. These CPG products can be found through the U.S. General Service Administration and the Defense Logistics Agency.
- [CPG Items](#) The EPA CPG lists 54 items that can be purchased with recycled-content paper, re-refined oil, flyash in concrete, etc. The Agency must require that 100 percent of purchases meet or exceed CPG unless a written justification or waiver is in effect.

RECORDS (maintained in the Environmental Management Branch)

Request for Waiver documentation maintained in
Documents in life-cycle cost (LCC) and life-cycle analysis (LCA) activities
NETS reports
EPA's CPG listing

Safety and Mission Assurance Directorate ([SMAD](#))
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